REMARKS

Claims 1, 2, and 4-23 are pending in the application. Claims 1, 2, and 4-23 were rejected under § 102(e) as anticipated by U.S. Pub. No. 2004/027607 to Maddux. Applicant respectfully traverses the rejection with the arguments set forth below and hereinabove amends the claims to place the application in better condition for at least further examination and, Applicant believes, allowance. No new matter is entered.

Maddux does not teach or suggest several aspects of the claims, as indicated below.

First, Maddux does not teach a training program "resident with the local computer" as required by the independent Claims 1 and 13. In Maddux, the training program is centrally located and accessible via a web browser, as expressly taught in paragraphs 0038 ("...the Test Taker accesses the KAC through a computer implemented web interface...through HTTP protocol as a web page."), 0039 ("...a plurality of KACs may be accessed through the web page..., multiple KACs may be linked via a common web page...."), 0042 ("[t]he remote devices are configured to access a public network such as the Internet for connecting to the web server 601."), and 0043 ("...a web front end is provided to present a graphical user interface (GUI)...web server 601 provides the front end for connection to the network such as the Internet."). The high bandwidth (as denoted by the need for a graphical interface, for example) training program is remote from the local computer and requires a high bandwidth connection in order for a local test taker to interface with the test. By contrast, in Applicant's invention, the high bandwidth training program is resident with the local computer. No high bandwidth connection is thus required, thereby saving infrastructure costs.

Maddux, on the other hand, requires a high bandwidth connection to accommodate accessing the training program. By contrast, Applicant's invention only sends low bandwidth test information from the local computer to the remote computer. (See specification, page 4, lines 6-8 and 12-16; page 11, lines 5-16.) "Test information" as recited in the claims is already defined in the specification to be low bandwidth information, however Applicant is now amending the claims for clarity to make this distinction even more explicit. The claims, as amended above, explicitly recite that the local computer has a "low bandwidth connection" and

that the test information being sent from the local computer to the remote server is low bandwidth test information.

Finally, Applicant respectfully points out that the inventive method of detecting employee cheating on a training program described in Claims 22-23 is separately patentable and is not taught by Maddux. Maddux teaches that the system provides a certain finite amount of allotted time to the test taker to answer a question (e.g., you have 10 seconds to answer this question; failure to record an answer within 10 seconds will result in no points for the question). In Applicant's system, the test taker's response time, the time it actually takes the test taker to answer the question (e.g., it took Larry 5.7 seconds to answer the question) is recorded to detect cheating (Claim 22). Further, the response time of one employee is compared to those of other employees for the same exact question (e.g., it took everyone else in the company 25.3 seconds on average to answer the same question that Larry took only 5.7 seconds to answer). If one or a small minority of response times are much much shorter than the norm for a given question or questions, then cheating may be deduced

Maddux does not teach or suggest this aspect of Applicant's invention at all. First, as described in ¶¶ 0056-0057, Maddux shows allotting a certain amount of time 705e for a given question (you have 10 seconds to answer this question). Moreover, Maddux uses allotted time as a potential parameter for determining how difficult a question is (e.g., this question is allotted 10 seconds for an answer, all other 10-second questions are of difficulty level "4", therefore the given question is also assigned a difficulty level of "4"). There is no teaching or suggestion of either recording an employee's response time (how long it actually takes them to answer a question), nor is there any teaching or suggestion of comparing a given employee's response time to other employee's response times to determine if cheating has occurred. If most people taking a test require between 45 and 60 seconds to answer a question and one employee takes 5-10 seconds, a likelihood of cheating may be inferred (especially if that employee takes a much shorter period of time on many or all of the questions).

In view of the foregoing, Applicant respectfully submits that Claims 1, 2, and 4-23 recite patentable subject matter and the application is in condition for allowance. **Applicant**

respectfully requests a telephonic interview with the Examiner to discuss any further changes that might be deemed necessary prior to the issuance of another Office Action or an Advisory Action. Prompt and favorable action toward the issuance of a patent is earnestly solicited. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No.50-0932.

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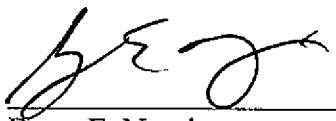
Respectfully submitted,



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